

**From:** Bill Defelice  
**To:** Microsoft ATR  
**Date:** 12/19/01 7:52am  
**Subject:** Microsoft Settlement

I would like to express my concern to the settlement in the Microsoft antitrust case. I am a computer support professional of more than 22 years with the past 16+ of those years spent in the area of education. I have used a variety of personal computing operating systems in both the retail and educational channels, including those made by Microsoft (MS-DOS, Windows 3.11/95/98/ME/NT/2000/XP), Amiga, Commodore, IBM, Unix, BeOS, Novell and Apple.

My opinion is that a variety of operating systems other than Microsoft's provide superior features and performance at each stage of development of the personal computing platform. Yet Microsoft achieved a monopoly in excess of 70% of the personal computer market. Microsoft's illegal behavior in maintaining and expanding that monopoly to in excess of 90 per cent of the market effectively destroyed all existing competitive personal computing operating systems in the process, save one, and perhaps prevented others from being developed. There have been numerous ways that this has been documented, including the PBS television special "Triumph of the Nerds", which covers every aspect from Microsoft's own Bill Gates taking advantage of the original author of the PC Dos operating system to stealing the look and feel of Apple Computer's operating system used in the Macintosh and Lisa personal computer systems.

I am quite opposed to the settlement for several reasons. The one I most strongly object to is the fact that it provides Microsoft with an unfair advantage through an increased market share. By the fact they are to provide a majority of their settlement award with their own hardware/software in lieu of cash only strengthens the foothold of Microsoft in the educational environment. Many school districts, including the one I work for, utilize multiple computing platforms from Unix, Macintosh as well as Microsoft. Receiving product from Microsoft not only hinders progress within districts like ours, but provides further deterioration of the other platforms utilized - regardless of the merits of these other platforms. I would recommend that Microsoft be required to pay a mostly cash settlement instead of providing them with an avenue for furthering their stronghold.

Microsoft was also convicted of illegally integrating its products and/or its key technologies to its monopoly operating system but that conviction was previously overturned. In my experience it is indeed Microsoft's tying key technologies to its monopoly operating system that has been the most damaging to open competition in the personal computing market. Microsoft was initially found guilty of this act and this should be remedied. The settlement formally forecloses any future opportunity to do so \* this simply can't be allowed.

There doesn't appear to be any further action to prevent them from furthering their monopoly. The nerve of CEO Steve Ballmer stating publicly that he does not even know what a monopoly is after Microsoft was convicted of being one. This should show that the Microsoft mentality is they believe we are all drones and will be bamboozled anything they say as gospel! How can the American public believe that Microsoft will change their ways and become law abiding? There is no apparent incentive to keep Microsoft's compliance. There must be safeguards provided in the settlement to insure compliance as well as monitoring them to prevent deviation from those guidelines set forth for a settlement.

Respectfully submitted,  
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